

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**August 14, 2000**

- C031566      THE PEOPLE v. STRAIN      (Not for Publication)**  
The judgment is affirmed.  
                                 NICHOLSON, J.  
We concur:      Scotland, P.J.  
                                 Hull, J.
- C032811      THE PEOPLE v. MOLINA      (Certified for Partial Publication)**  
The judgment is affirmed.  
                                 SIMS, Acting P.J.  
We concur:      Morrison, J.  
                                 Callahan, J.
- C031579      COUNTY OF SACRAMENTO v. NEPTUNE      (Not for Publication)**  
As modified, the judgment in appeal No. C031579 is affirmed. The order striking the cost bill in appeal No. C031799 is reversed and remanded. County is awarded its costs on appeal.  
                                 DAVIS, J.  
We concur:      Scotland, P.J.  
                                 Hull, J.
- C031799      COUNTY OF SACRAMENTO v. NEPTUNE      (Not for Publication)**  
As modified, the judgment in appeal No. C031579 is affirmed. The order striking the cost bill in appeal No. C031799 is reversed and remanded. County is awarded its costs on appeal.  
                                 DAVIS, J.  
We concur:      Scotland, P.J.  
                                 Hull, J.
- C034783      In re MICHAEL R. et al; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY v. ADELA M.      (Not for Publication)**  
The order of the juvenile court terminating appellant's parental rights is affirmed.  
                                 HULL, J.  
We concur:      Davis, Acting P.J.  
                                 Callahan, J.

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**August 14, 2000 Continued**

- C034666      In re KYLE H.; THE PEOPLE v. KYLE H.      (Not for Publication)**  
The judgment is affirmed.  
   SIMS, Acting P.J.  
We concur:      Callahan, J.  
   Kolkey, J.
- C032516      SARNI v. THERMALITO IRRIGATION DISTRICT et al.      (Not for Publication)**  
The dismissal order is affirmed. Defendants shall recover their costs on appeal.  
   SIMS, Acting P.J.  
We concur:      Nicholson, J.  
   Morrison, J.
- C033429      PARMAR et al. v. WOLF et al.      (Not for Publication)**  
The judgment is affirmed.  
   DAVIS, J.  
We concur:      Scotland, P.J.  
   Hull, J.
- C034804      In re BETTY L.; DEPT. OF HEALTH AND HUMAN SERVICES v. RHONDA W.      (Not for Publication)**  
The order terminating appellant's parental rights is reversed, and the matter is remanded to the juvenile court for further proceedings consistent with this opinion.  
   DAVIS, Acting P.J.  
We concur:      Callahan, J.  
   Hull, J.
- C034955      In re JULLIAN B.: SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. JOSETTE B. and NORTH FORK RANCHERIA      (Certified for Partial Publication)**  
The order of the juvenile court is reversed insofar as the court found DHHS met its burden to establish good cause to place the minor outside the preferences of the ICWA. On that issue alone the case is remanded for further proceedings consistent with this opinion. In all other respects, the orders of the juvenile court are affirmed. Appellant shall receive its costs on appeal.  
   HULL, J.  
We concur:      Davis, Acting P.J.  
   Callahan, J.

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**August 15, 2000**

The judgment is affirmed.  
CALLAHAN, J.  
We concur: Nicholson, Acting P.J.  
Hull, J.

The judgment is affirmed.  
RAYE, J.  
We concur: Scotland, P.J.  
Callahan, J.

The orders are affirmed.  
BLEASE, Acting P.J.  
We concur: Nicholson, J.  
Raye, J.

The judgment is affirmed.  
RAYE, J.  
We concur: Scotland, P.J.  
Callahan, J.

**C033092**      **THE PEOPLE v. ADAMS**      **(Not for Publication)**

Because of the error in sentencing defendant under Vehicle Code section 20001, subdivision (b)(2), we must vacate the trial court's sentence on that count and remand for resentencing in accordance with the views expressed in this opinion. In all other respects, the judgment is affirmed.

BLEASE, Acting P.J.

We concur:      Davis, J.  
                         Nicholson, J.

The judgment is affirmed.  
DAVIS, Acting P.J.  
We concur: Callahan, J.  
Hull, J.

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**August 15, 2000 Continued**

- C033322      THE PEOPLE v. NIBLE      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We concur:    Scotland, P.J.  
                 Callahan, J.
- C030274      THE PEOPLE v. POWERS      (Not for Publication)**  
The judgment is affirmed.  
DAVIS, Acting P.J.  
We concur:    Callahan, J.  
                 Hull, J.
- C030485      THE PEOPLE v. SHERWIN et al.      (Certified for Partial Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We concur:    Scotland, P.J.  
                 Raye, J.
- C032125      THE PEOPLE v. HARPER      (Certified for Partial Publication)**  
The order suspending defendant's driver's license is stricken. In all other respects, the judgment and sentence are affirmed.  
SIMS, Acting P.J.  
We concur:    Morrison, J.  
                 Callahan, J.
- C032923      JONES v. STATE BOARD OF EQUALIZATION et al.      (Not for Publication)**  
The judgment is affirmed.  
BLEASE, J.  
We concur:    Scotland, P.J.  
                 Nicholson, J.
- C033997      In re RUBEN H.; THE PEOPLE v. RUBEN H.      (Not for Publication)**  
The juvenile court's order finding true the allegation in count 2 of receiving stolen property is reversed, and the trial court is directed to dismiss that count. The juvenile court is directed to amend its records accordingly. In all other respects, the judgment is affirmed.  
RAYE, J.  
We concur:    Scotland, P.J.  
                 Callahan, J.

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**August 15, 2000 Continued**

- C031009      SIMMONS v. LONGLEY et al.      (Not for Publication)**  
**C032141**      The award of attorney's fees is reversed and that matter is remanded to  
the trial court for resolution in accord with this opinion. With that  
exception, the judgment is affirmed. Longley shall recover her costs of  
Simmon's appeal; the parties shall bear their own costs on appeal  
attributable to Longley's appeal.  
BLEASE, Acting P.J.  
We concur:      Sims, J.  
                         Kolkey, J.
- C032845      SAMSTAG v. PLASKOLITE, INC.      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We concur:      Blease, Acting P.J.  
                         Davis, J.
- C033693      HELMIG v. DUNMORE      (Certified for Publication)**  
The judgment (order) is affirmed. The state shall recover costs on  
appeal.  
RAYE, J.  
We concur:      Scotland, P.J.  
                         Sims, J.
- C032875      AUSTIN v. CALIF. STATE UNIVERSITY, SACRAMENTO      (Not for Publication)**  
The judgment is affirmed.  
CALLAHAN, J.  
We concur:      Davis, Acting P.J.  
                         Hull, J.
- C034317      THE PEOPLE v. CATLIN      (Not for Publication)**  
The judgment is affirmed. Defendant's motions for "sentence reduction,"  
and for his "conviction to be overturned," are denied.  
SIMS, Acting P.J.  
We concur:      Callahan, J.  
                         Kolkey, J.

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**August 15, 2000 Continued**

**C032299      THE PEOPLE v. FORBES, JR.      (Not for Publication)**  
Defendant's conviction and sentence are affirmed. The trial court shall prepare a corrected abstract of judgment reflecting that the court recommended, but did not order, that defendant participate in sex offender therapy as a parole condition, as explained in part III of the Discussion. The trial court shall forward a certified copy of the amended abstract to the Department of Corrections.  
SIMS, J.  
We concur:    Scotland, P.J.  
                 Raye, J.

**C034417      A. TEICHERT & SONS v. W.C.A.B. (GRAVES)      (Not for Publication)**  
The petition to annul the award is denied. Grave's request for attorney fees is denied. Teichert is to pay Graves's costs incurred in this proceeding.  
MORRISON, J.  
We concur:    Davis, Acting P.J.  
                 Kolkey, J.

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**August 16, 2000**

- C034706      THE PEOPLE v. BROWN      (Not for Publication)**  
The judgment is modified to award defendant 135 days of custody credit. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.  
BLEASE, Acting P.J.  
We concur:    Raye, J.  
                 Morrison, J.
- C033009      THE PEOPLE v. RHODEHOUSE      (Not for Publication)**  
The judgment is affirmed. The trial court is directed to correct its June 2, 1999, minute order and subsequently prepared abstract of judgment in accordance with this opinion. The court will also send a corrected copy of the abstract of judgment to the Department of Corrections.  
DAVIS, J.  
We concur:    Sims, Acting P.J.  
                 Morrison, J.
- C028377      THE PEOPLE v. JEFFRIES      (Certified for Partial Publication)**  
Defendant's convictions on counts 1 and 2 are reversed. His remaining convictions are affirmed but the sentences thereon are vacated. On remand, the trial court shall designate a principal determinate term, consider in its discretion whether to run the specified indeterminate terms concurrently rather than consecutively, and resentence defendant accordingly.  
CALLAHAN, J.  
We concur:    Sims, Acting P.J.  
                 Raye, J.

**August 17, 2000**

- C031696      THE PEOPLE v. HOBBS      (Not for Publication)**  
The fine imposed pursuant to Penal Code section 1202.45 is stricken. The trial court is directed to prepare and forward to the Department of Corrections a new abstract of judgment. In all other respects the judgment is affirmed.  
MORRISON, J.  
I concur:      Kolkey, J.  
I concur in the judgment and the opinion except as to the analysis of CALJIC No. 2.50.01 (pre 1999 rev.), as to which I dissent. (See dissenting opinion for details.)  
Blease, J.

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**August 18, 2000**

- C033391      THE PEOPLE v. MCDONALD      (Not for Publication)**  
The order directing that restitution be paid in the sum of \$9,599.00 to American International Insurance Company is reversed and the matter is remanded to the trial court to permit it to make a restitution order to the direct victims of defendant's conduct. In all other respects the judgment is affirmed.
- DAVIS, J.  
We concur:    Scotland, P.J.  
                  Blease, J.
- C033840      In re ZYAID C.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH  
AND HUMAN SERVICES v. CARROLL C. (Not for Publication)**  
The orders of the juvenile court are affirmed.
- CALLAHAN, J.  
We concur:    Scotland, P.J.  
                  Raye, J.